

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HITACHI CONSUMER ELECTRONICS CO.,
LTD., and HITACHI ADVANCED DIGITAL,
INC.

Plaintiff,

v.

TOP VICTORY ELECTRONICS (TAIWAN)
CO. LTD., TPV INT'L (USA), INC.,
ENVISION PERIPHERALS, INC., TOP
VICTORY ELECTRONICS (FUJIAN) CO.
LTD., TPV ELECTRONICS (FUJIAN) CO.
LTD., TPV TECHNOLOGY LTD., and VIZIO,
INC.,

Defendants;

and

VIZIO, INC.,

Counterclaim-Plaintiff,

v.

HITACHI, LTD., HITACHI CONSUMER
ELECTRONICS CO., LTD., HITACHI
ADVANCED DIGITAL, INC., HITACHI
AMERICA, LTD., and HITACHI HOME
ELECTRONICS (AMERICA), INC.

Counterclaim-Defendants,

CIVIL ACTION NO. 2:10-CV-260-JRG

JURY

JOINT MOTION TO STREAMLINE CASE

Pursuant to the Amended Docket Control Order, D.I. 201, the Plaintiffs and
Counterclaim-defendants Hitachi Consumer Electronics Co. Ltd., Hitachi Advanced Digital,

Inc., Hitachi, Ltd., Hitachi America, Ltd., and Hitachi Home Electronics (America), Inc. (“Hitachi”), Defendants and Counterclaim Top Victory Electronics (Taiwan) Co. Ltd., TPV Int’l (USA), Inc., Envision Peripherals, Inc., Top Victory Electronics (Fujian) Co. Ltd., TPV Electronics (Fujian) Co. Ltd. And TPV Technology Ltd., and Counterclaim-Plaintiff (VIZIO, Inc.), submit they have met-and-conferred about streamlining the case for trial and jointly submit this joint proposal.

Hitachi has agreed to reduce the number of asserted claims from the more than 70 in its original infringement contentions to the following 25 claims:

USP 7,012,769: 9

USP 7,286,310: 7

USP 8,009,375: 26, 30, 32

USP 5,502,497: 14, 15, 16

USP 6,549,243: 1, 2, 4, 5, 8

USP 7,889,281: 9, 17

USP 6,144,412: 11, 12, 15, 17, 18

USP 5,534,934: 1

USP 6,037,995: 1

USP 6,388,713: 1, 3, 6

TPV has agreed to withdraw its equitable affirmative defenses of laches, estoppel, waiver, acquiescence, and unclean hands, and VIZIO has agreed to withdraw its equitable affirmative defenses of estoppel, laches, and prosecution laches, thereby resolving several issues identified for potential summary judgment in Hitachi’s letter briefs. *See* Hitachi’s letter brief requesting leave to file a motion for summary judgment as to VIZIO’s Second Affirmative

Defense of estoppel, Fourth Affirmative Defense of laches, and Seventh Affirmative Defense of prosecution laches (Dkt. No. 166) and Hitachi's letter brief requesting leave to file a motion for summary judgment as to TPV's Fifth Affirmative Defense of laches, estoppel, waiver, acquiescence and/or unclean hands (Dkt. No. 167). VIZIO has further agreed to drop three of the seven patents asserted in its infringement counterclaims, namely U.S. Patent Nos. 5,233,629, 5,396,518, and 5,703,887.

The parties are continuing to negotiate further reductions in the number of asserted patents, asserted claims, and defenses, including a specific proposal for a further reduction in VIZIO's counterclaims for infringement, which Hitachi is presently considering. The parties also propose another round of meet-and-confers by January 29, 2013, and another proposal to be filed with the Court by February 1, 2013, to codify any further agreed reductions in the number of asserted patents, claims and defenses.

In view of the foregoing, the parties respectfully request entry of the attached Proposed Order that includes the foregoing proposals.

Respectfully submitted,

Dated: January 04, 2013

/s/ Jeffrey B. Plies

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Defendants Hitachi, Ltd., Hitachi America, Ltd. and
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/s/ Kevin G. McBride

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 4th day of January, 2013, the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel of record who have consented to electronic service as this district requires. Local Rule CV-5(a)(3)(A).

/s/Jeffrey B. Plies
Jeffrey B. Plies

CERTIFICATE OF CONFERENCE

Jeffrey Plies, counsel for Hitachi, has complied with the meet and confer requirement in Local Rule CV-7(h). In personal conferences with counsel for Defendants, the parties have agreed to jointly file this motion.

/s/Jeffrey B. Plies
Jeffrey B. Plies

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